

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Christopher M. Fang-Yen, et al.  
 Application No. : 10/823,389  
 Filed : April 13, 2004  
 Confirmation No. : 3371  
 For : SYSTEMS AND METHODS FOR PHASE MEASUREMENTS  
 Examiner : Not Yet Assigned  
 Attorney's Docket : MAIT-003AX (Formerly 301505.3002-103)  
 TC Art Unit: 2877

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 2/1/05.

By: Thomas O. Hoover

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Registration No. 32,470

Attorney for Applicant(s)

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INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

It is desired to cite for the record in this application the enclosed references listed on the attached copy of PTO Form #1449. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

- [ ] (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached Information Disclosure Statement is being filed within three months of the filing date of the above identified national application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 of the above identified application. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [X] (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the attached Information Disclosure Statement is being filed before

Application No.: 10/823,389  
Filed: April 12, 2004  
TC Art Unit: 2877  
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the mailing date of a first Office action on the merits. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.

- ☐ (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- ☐ (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:
- ☐ a statement under 37 CFR § 1.97(e); or
- ☐ the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

- ☐ (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

- ☐ (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

- ☐ (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Where the status of the application has changed, unknown to the applicant, such that the boxes checked are no longer applicable, the

Application No.: 10/823,389  
Filed: April 12, 2004  
TC Art Unit: 2877  
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Commissioner is authorized to accept this submission with any additional fees required by that change charged to Deposit Account No. 23-0804.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

The art was cited in PCT International Search Report mailed July 4, 2003 in International Application No. PCT/US02/40440 filed December 12, 2002.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,  
Christopher M. Fang-Yen, et al.

By:

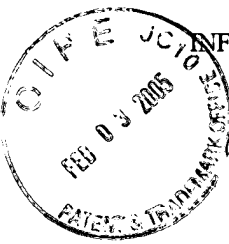
  
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TOH/dxr  
Enclosures

U.S. DEPARTMENT OF COMMERCE (REV. 05/03) PATENT AND TRADEMARK OFFICE 	INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)		ATTY. DOCKET NO. MAIT-003AX (Formerly 301505.3002-103)	APPLICATION NO. 10/823,389
	APPLICANT: Christopher M. Fang-Yen, <i>et al.</i>			
	FILING DATE April 13, 2004	TC ART UNIT 2877		

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	PUBLICATION/ ISSUE DATE	NAME	CLASS	SUBCLASS	FILING DATE
	US 3,970,389	20 July 1976	Mendrin, <i>et al.</i>	357	106	
	US 4,702,603	27 Oct 1987	Augustyn	356	351	
	US 4,756,611	12 Jul 1988	Yonekubo, <i>et al.</i>	350	509	
	US 4,938,584	3 July 1990	Suematsu, <i>et al.</i>	351	211	
	US 5,018,862	28 May 1991	Aiello	356	358	
	US 5,124,927	23 Jun 1992	Hopewell, <i>et al.</i>	364	468	
	US 5,153,669	6 Oct 1992	DeGroot	356	349	
	US 5,263,776	23 Nov 1993	Abraham, <i>et al.</i>	374	161	
	US 5,349,440	20 Sep 1994	DeGroot	356	349	
	US 5,371,587	6 Dec 1994	DeGroot, <i>et al.</i>	356	349	
	US 5,404,221	4 Apr 1995	DeGroot	356	349	
	US 5,412,474	2 May 1995	Reasenber, <i>et al.</i>	356	349	
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	US 5,446,540	29 Aug 1995	Lin	356	345	
	US 5,450,501	12 Sep 1995	Smid	382	260	
	US 5,543,914	6 Aug 1996	Henshaw, <i>et al.</i>	356	345	
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	US 5,589,641	31 Dec 1996	Johnson, <i>et al.</i>	73	800	
	US 5,706,084	6 Jan 1998	Gutierrez	356	351	
	US 5,760,902	2 Jun 1998	Brody	356	347	
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		SU 1357712 A1	7 Dec 1997	Russia (Abstract)	
		EP 0 932 050 A2	4 Dec 1998	Europe (Abstract)	
		JP 11 248412	17 Sep 1999	Japan (Abstract)	
		DE 100 33 189 C1	6 Sep 2001	Germany (Abstract)	
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		RU 2020409 D	11 Nov 1971	Russia (Abstract)	
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		PCT International Search Report Dated July 4, 2003			
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		Colicaos, M.A., <i>et al.</i> , "Remodeling of Synaptic Actin Induced by Photoconductive Stimulation," Cell, Vol. 107 (2001), 605-616.			
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		FILING DATE <b>April 13, 2004</b>	TC ART UNIT <b>2877</b>
<b>OTHER DOCUMENTS</b> <i>(including Author, Title, Date, Pertinent Pages, etc.)</i>			
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	Creath, K., "Phase-Measurement Interferometry Techniques," Elsevier Science Publishers B.V., Vol. XXVI, E. Wolf, Ed. (1988), 349-393.		
EXAMINER		DATE CONSIDERED	
<b>*EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

**\*\*The art was cited in PCT International Search Report mailed July 4, 2003 in International Application No. PCT/US02/40440 filed December 12, 2002.**